

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Michelle A. Major

(b) County of Residence of First Listed Plaintiff Chester
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott M. Pollins, Pollins Law, 303 W. Lancaster Ave.,
Ste. 1C, Wayne, PA 19087, 610-896-9909

DEFENDANTS

Tredyffrin Township

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Andrew B. Adair, Deasey, Mahoney & Valentini, Ltd.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII

Brief description of cause:

Gender discriminatory failure to promote female police officer

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

Unliquidated

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/27/21

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Chester County, PA
 Address of Defendant: 110 DuPortail Road, Berwyn, PA 19312
 Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

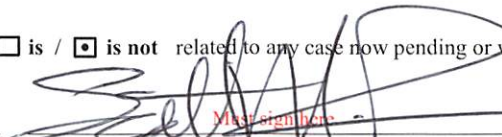
Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 09/27/2021



 Attorney-at-Law / Pro Se Plaintiff

PA76334

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

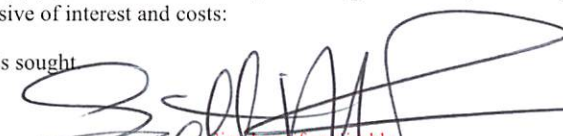
(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Scott M. Pollins, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☒ Relief other than monetary damages is sought

DATE: 09/27/2021



 Attorney-at-Law / Pro Se Plaintiff

PA76334

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHELLE A. MAJOR Plaintiff v. TREDYFFRIN TOWNSHIP Defendant	: : : : : :	CIVIL ACTION NO. JURY TRIAL DEMANDED
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COMPLAINT

I. INTRODUCTION

1. Plaintiff, Michelle A. Major (Major), is suing her current employer, Tredyffrin Township and its police department (TTPD), for gender discrimination for failing to promote Major from a Sergeant to a Lieutenant. Major brings this action under Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 (Title VII) and the Pennsylvania Human Relations Act (PHRA). TTPD has failed to promote Major from a Sergeant to a Lieutenant due to gender discrimination. Major seeks back pay, front pay, compensatory damages, interest, costs, negative tax consequence damages, injunctive and declaratory relief and attorneys' fees from TTPD. The inability of women like Major to advance to the highest positions with the Tredyffrin Township Police Department/TTPD is due to the gender-based and long-standing 'good old boys club' and 'glass ceiling' within the TTPD which inhibits, prohibits and denies career advancement to deserving women police workers.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 and 42 U.S.C. § 2000e-5(f). Furthermore, TTPD's conduct with regard to Major violated the PHRA, and the pendant jurisdiction of this Court is invoked to remedy those violations.

3. Major has exhausted all remedies available to her as set forth in Title VII and the PHRA. On October 15, 2020, Major timely filed a charge with the Equal Employment

Opportunity Commission (EEOC), which charge was dual filed with the Pennsylvania Human Relations Commission. The EEOC issued a notice of right to sue to Major on July 26, 2021. This action is filed with 90 days of Major's receipt of the EEOC's notice of right to sue.

4. Venue is proper in the Eastern District of Pa. because Major's claims arose in this judicial district.

III. PARTIES

5. Major is a female who resides in Chester County, PA.

6. TTPD is a municipal entity, and at all time relevant to this Complaint had about 200 employees.

7. in 1995, Major started working for TTPD as a patrol officer. In 2003, Major was promoted to be a Corporal. In 2012, Major was promoted to be a Sergeant.

8. In the nearly 100-year history of TTPD, no female has ever held a higher position than Sergeant.

IV. FACTUAL BACKGROUND

9. In 2017 and again in 2020, Major sought to be promoted from Sergeant (Sgt.) to Lieutenant (Lt.). Major is suing TTPD in this case for only the 2020 discriminatory promotion decision.

10. On July 15, 2020, TTPD Superintendent T. Michael Beaty (Beaty) announced that TTPD was undertaking a promotional process for an Administrative Lieutenant. According to Beaty's July 15 memo to all personnel, interested candidates needed a minimum of 5 years of experience with TTPD and have held the rank of Sergeant for 2 years. Beaty's memo stated that the successful candidate will have demonstrated leadership traits that promote the mission of TTPD. Beaty's memo also stated that the examination process will include an interview panel

conducted by the Supt., Lt. Timothy Brown (Brown) and a neutral law enforcement executive, as well as a review of the candidate's work history, training and evaluations.

11. Shortly thereafter and in July 2020, Major submitted her application. She hoped to break through TTPD's gender-based 'good old boys club' and 'glass ceiling' and become the first woman in the history of TTPD to advance beyond Sgt.

12. Once TTPD knew that there 5 applications for the Lt. position, Major and 4 other males, TTPD changed the rules by taking away the presence of a neutral law enforcement executive during the interview process. Had the neutral law enforcement executive participated in the interview process, that person would have realized that Major's qualifications for promotion to Lieutenant far exceeded those of her male colleagues. Major learned that only Beaty and Brown would conduct interviews and no neutral law enforcement executive would be part of the promotion process.

13. Brown is the head of TTPD's gender-based 'good old boys club'.

14. On August 12, 2020, Major interviewed for the Lt. position. Later that same day, she found out that she was not going to be promoted and instead her male colleague, Sgt. Tyler Moyer (Moyer), was going to be promoted to Lt. pending approval at a September 21 meeting of the Board of Supervisors.

15. Major's qualifications for Lt. far exceed those of Moyer. Major has a bachelor of science in organizational leadership and master of science in strategic leadership. She is also a distinguished graduate of the FBI National Academy in Quantico, Virginia. Moyer has a bachelor's but no further leadership or strategy degrees and he did not graduate from the FBI National Academy.

16. The FBI National Academy is a professional course of study for U.S. and international law enforcement managers nominated by their agency heads because of demonstrated leadership qualities. The 10-week program—which provides coursework in intelligence theory, terrorism and terrorist mindsets, management science, law, behavioral science, law enforcement communication, and forensic science—serves to improve the administration of justice in police departments and agencies at home and abroad and to raise law enforcement standards, knowledge, and cooperation worldwide. [National Academy — FBI](#) (accessed 8/3/21).

17. Brown groomed Moyer for the Lt. position that Major was clearly more qualified for. Moyer was part of Brown's 'good old boys club'. Before Moyer was discriminatorily promoted over Major, he was often called A4 by many in the police department. This is because everyone knew he had privileges (including being a member of the 'good old boys club') that others did not, particularly Major. Prior to Moyer's promotion, TTPD's administration allowed Moyer access to use of computer software that Major was not allowed access to.

18. Since 2017 when Beaty came on as Supt. of TTPD, he's made no effort to get to know Major as one of his leaders in the police department. Instead, Beaty's perception of Major is polluted by the gender discriminatory lens of TTPD's 'good old boys club' led by Brown and his predecessor, Joseph Glatts (Glatts).

19. TTPD claims that it promoted Moyer over Major because 1) Moyer came prepared to his interview with an interdepartmental communication plan, 2) he had creative suggestions to improve the administrative functions of the position, and 3) he demonstrated superior technological proficiency.

20. The job description did not mention interdepartmental communication as any 1 of the 29 Essential Job Functions nor was this listed among the Minimum Requirements of This Position.

21. Although the job description lists 'new management techniques' as 1 of the 29 Essential Job Functions and it's possible this might be construed to include improvements to administrative functions, this is only 1 of 29 essential job functions and represents a narrow slice of the job.

22. The 5th of 5 Minimum Requirements of This Position required ability to use or operate the following: computer literate: standard software and proprietary police software. Standard police department equipment: police car, police radio, speed timing devices, handgun and other weapons, handcuffs, breath testing equipment, pager, first aid equipment. Nowhere on the job description did it state that any particular superior technical proficiency was required.

23. On September 15, 2020, Major submitted an internal gender discrimination complaint to TTPD. At no time during the 5 week period between TTPD announcing Moyer was going to be promoted and Major submitting her gender discrimination complaint did Beaty, Brown or Captain Joseph Glatts (Glatts), who was retiring as Captain, approach Major and offer her any guidance to help her understand what her alleged deficiencies were, why she was less qualified than Moyer to be hired as Lt., and what she needed to work on to be promoted. Instead, they did not care to reach out to Major because they wanted her to remain under the gender discriminatory 'glass ceiling' at TTPD.

24. After Major submitted her internal gender discrimination complaint, Beaty, Brown and Glatts mostly ignored Major and acted like she did not exist. Even Moyer ignored her as well.

25. Beaty used to check in with Major as she is in charge of the traffic unit. Beaty and Brown would regularly visit the office to discuss traffic related issues or just to chat. That almost 100% stopped (at least while Major is present in the office). The corporal of her unit is in TTPD's 'good old boys club', and the administration used to honor that she was the ranking officer, but the chain of command became mostly ignored because the information began to be passed mostly through the corporal which is not customary. Beaty and Brown barely acknowledged Major's existence. This conduct continued throughout the last few months of 2020 and into 2021.

26. While TTPD has a promotion policy, it is outdated having last been revised in 1993. According to Section III.7 of the promotion policy, TTPD should keep an eligibility list for each promotion. However, TTPD has haphazardly complied with this, sometimes keeping an eligibility list, sometimes not. For the 2020 Lt. promotion, Beaty announced the promotion process, which included using a third party neutral to interview the candidates, but then eliminated this guard against discriminatorily influenced promotion decisions at the last minute.

27. TTPD claimed due to schedules they would forego using a neutral evaluator. However, all of the interviews were conducted on the same day. There is no legitimate reason that TTPD could not have the neutral evaluator. Additionally, there was no rush to have the interviews. They could have easily scheduled the interviews to accommodate everyone's schedule while allowing for the neutral evaluator.

28. The COVID-19 pandemic was also not a legitimate reason for TTPD to forego using the neutral evaluator in August 2020 for the Lt. interviews. In January 2021, TTPD conducted interviews for a detective position, and TTPD allowed a neutral evaluator to participate in these interviews.

29. Because Major had applied in 2017 to be promoted to Lt. but was not hired back then, TTPD knew that she had aspirations to be promoted. But TTPD's administration did nothing between 2017 and 2020 to support Major and her desire to be promoted. Instead, Major, on her own initiative, obtained training that enabled her to far exceed the qualifications of her male counterparts, including Moyer.

30. In 2017, Major obtained letters of reference to support her promotion to Lt. When Beaty posted for the 2020 lieutenant position, he specifically stated that he did not want any reference letters.

31. TTPD failed to promote Major due to gender discrimination.

32. Major has suffered, is now suffering and will continue to suffer emotional distress, embarrassment, humiliation, inconvenience, mental anguish, career damage and other losses as a direct result of TTPD's illegal conduct.

V. CLAIMS

**COUNT I – GENDER DISCRIMINATION
TITLE VII and PHRA**

33. Paragraphs 1 through 32 are incorporated by reference as if fully set forth herein.

34. The acts, failures to act, practices and policies of TTPD set forth above constitute gender discrimination in violation of Title VII and the PHRA.

35. As a result of TTPD's illegal gender discrimination, Major has suffered harms and losses in the form of back pay and benefits, front pay and benefits and emotional distress including anxiety, stress, humiliation, career damage and embarrassment.

WHEREFORE, Major demands judgment in her favor and against TTPD, for compensatory damages, back pay, reinstatement to the Lieutenant position, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by TTPD violated Major's civil rights, equitable/injunctive relief directing TTPD to cease any and all unlawful gender discrimination and requiring an external monitor be appointed to report to the Court quarterly for 36 months on TTPD's diversity and inclusion efforts in its leadership, and such other relief as the Court shall deem proper.

Respectfully submitted,

By: /s/ Scott M. Pollins
Scott M. Pollins/ Pa. Atty. Id. No. 76334
Pollins Law
303 W. Lancaster Ave., Ste. 1C
Wayne, PA 19087
(610) 896-9909 (phone)/(610) 896-9910 (fax)
scott@pollinslaw.com (email)

Date: 9/27/21

Attorney for Plaintiff, Michelle A. Major